

LAW OFFICE OF TODD D. LERAS
Todd D. Leras, CA SBN 145666
455 Capitol Mall, Suite 802
Sacramento, California 95814
(916) 969-9370
toddleras@gmail.com
Attorney for Defendant
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Case No.: 2:21-cr-00020-JAM-1

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA,

Defendant.

**STIPULATION AND ORDER TO
CONTINUE SENTENCING HEARING TO
DECEMBER 09, 2025**

Court: Hon. John A. Mendez
Date: October 7, 2025

This matter is currently set for a Sentencing Hearing on October 7, 2025. The Probation Department has completed and filed with the Court a Presentence Investigation Report (PSR) and Sentencing Recommendation. Defendant has filed a Motion for Correction (ECF Document 140). Defense counsel is not ready to proceed with the Sentencing Hearing on October 7, and requests to continue it to December 9, 2025.

STIPULATION AND ORDER

1 Defendant Nehemiah Avila is released on pre-trial conditions and lives at his mother's
2 house in Sacramento. He is currently employed and contributes to the support of both his
3 common law wife and minor daughter.

4
5 Defense counsel intends to present various medical and mental health records and reports
6 relating to Mr. Avila's care for his family members in support of the defense sentencing request.
7 The written plea agreement between the parties permits Mr. Avila to urge whatever sentence he
8 and his counsel deem appropriate, subject to the statutory mandatory minimum sentence (ECF
9 Document 122).

10
11 As of early July 2025, and continuing to the present time, Congress has failed to approve
12 supplemental funding to pay attorneys, investigators, and experts working on matters pursuant to
13 the Criminal Justice Act, 18 U.S.C. § 3006A (hereafter "CJA"). CJA payments to attorneys,
14 experts, and investigators working on behalf of indigent defendants in federal cases are not
15 expected to resume until, at the earliest, the beginning of the new fiscal year on October 1, 2025.
16 As of September 30, 2025, a potential government shutdown is expected to delay payments even
17 longer. In the event of a shutdown, there is no certainty as to when CJA payments will occur.

18
19 The practical result of the funding situation for Defendant and his appointed counsel in
20 this case is that it results in uncertainty as to when the investigator/mitigation specialist will
21 receive payment for services performed and reimbursable expenses. The same is true for
22 professional services rendered by defense counsel in the case. Defense counsel therefore
23 requests to continue the Sentencing Hearing to December 9, 2025, at 9:00 a.m.

24
25 The assigned probation officer has confirmed her availability on the requested date. The
26 defense further requests to modify the remaining Pre-Sentence Investigation Report (PSR)
27 Disclosure Schedule as follows:

28
STIPULATION AND ORDER

1 1. Reply Date/Sentencing Memorandum Date: December 2, 2025

2 Defense counsel believes that the current CJA funding situation constitutes good cause
3 for the request. The request follows a guilty plea so an exclusion of time pursuant to the Speedy
4 Trial Act is not required. The government does not oppose the request because the procedural
5 posture of the case does not impact on the public's interest in a speedy trial. Assistant U.S.
6 Attorney Adrian Kinsella has authorized Todd D. Leras via email to sign this unopposed
7 sentencing hearing continuance request on his behalf.
8

9
10 DATED: September 30, 2025

11 By /s/ Todd D. Leras for
12 ADRIAN KINSELLA
13 Assistant United States Attorney

14 DATED: September 30, 2025


15 By /s/ Todd D. Leras
16 TODD D. LERAS
17 Attorney for Defendant
18 NEHEMIAH AVILA
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ORDER

The Sentencing Hearing, set for October 07, 2025, is **VACATED** and **RESET** for
Tuesday, December 09, 2025, at 9:00 a.m.

IT IS SO ORDERED.

Dated: September 30, 2025



JOHN A. MENDEZ,
SENIOR UNITED STATES DISTRICT JUDGE

STIPULATION AND ORDER